

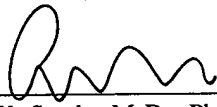
DOCKET NO.: C1041.70002US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wagner et al.  
Serial No.: 09/241,653  
Confirmation No.: 8996  
Filed: February 2, 1999  
For: METHODS FOR REGULATING HEMATOPOIESIS  
USING CPG OLIGONUCLEOTIDES  
Examiner: Zara, Jane  
Art Unit: 1635

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 10 day of February, 2004.

  
Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

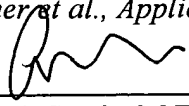
Transmitted herewith are the following documents:

- ☒ Supplemental Information Disclosure Statement Under 37 C.F.R. §1.56, 1.97 & 1.98
- ☒ Form PTO-1449 with References Cited
- ☒ Check in the amount of \$180.00
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617)720-3500, Boston, Massachusetts.

The Commissioner is hereby authorized to charge any deficit or credit any overpayment to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
Wagner et al., Applicant

By:   
Alan W. Steele, M.D., Ph.D., Reg. No. 45,128  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617) 720-3500

Docket No.: C1041.70002US00

Date: February 10, 2004

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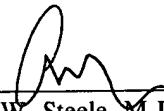
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Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. § 1.97**

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in this application.

The fee as set forth in 37 C.F.R. § 1.17(p) is enclosed.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The applicant would like to bring to the Examiner's attention the following co-pending applications (copies enclosed) that may contain subject matter related to this application:

Docket No.	Serial No.	Filing Date	Inventor
C1037.70045US00	10/613,228	07-03-2003	Krieg
C1037.70042US00	10/613,524	07-03-2003	Krieg
C1037.70044US00	10/613,736	07-03-2003	Krieg
C1037.70043US00	10/613,739	07-03-2003	Krieg
C1037.70041US00	10/613,749	07-03-2003	Krieg
C1039.70082US00	10/631,676	07-30-2003	Krieg et al.
C1037.70049US00	10/643,141	08-18-2003	Hutcherson et al.
C1037.70048US00	10/644,052	08-19-2003	Jurk et al.
C1039.70084US00	10/649,584	08-25-2003	Krieg et al.
C1037.70051US00	10/666,733	09-19-2003	Bratzler et al.
C1041.70040US00	10/666,844	09-19-2003	Lipford et al.
C1037.70052US00	10/668,050	09-22-2003	Bratzler et al.
C1039.70083US00	10/690,495	10-21-2003	Krieg et al.
C1039.70021US01	10/719,493	11-21-2003	Krieg et al.
C1037.70038US01	10/735,592	12-11-2003	Krieg et al.
C1039.70073US00	10/743,625	12-22-2003	Krieg et al.
C1039.70048US01	unassigned	01-30-2004	Krieg et al.
C1039.70083US01	unassigned	01-30-2004	Krieg et al.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. § 102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
Wagner et al., *Applicant*

By: 

Alan W. Steele, M.D., Ph.D., Reg. No. 45,128  
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600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617) 720-3500

Docket No. C1041.70002US00

Date: February 10, 2004

**XNDDX**

FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 09/241,653	ATTY. DOCKET NO.: C1041.70002US00
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		FILING DATE: February 2, 1999	CONFIRMATION NO.: 8996
		APPLICANT: Wagner et al.	
		GROUP ART UNIT: 1635	EXAMINER: Zara, Jane
Sheet	197	of	1

FEB 12 2004

#### U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A45	2004/0009949	A1	Krieg	01-15-2004

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C51	BROIDE D et al., DNA-based immunization for asthma. <i>Int Arch Allergy Immunol</i> 1999 Apr 22;118(2-4):453-6.	

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]